

REMARKS

An Office Action was mailed January 20, 2010. This response is timely. Any fee due with this paper, including any necessary extension fees, may be charged on Deposit Account 50-1290.

Summary

Claims 27-37 and 41-51 were examined. Claims 27 and 43 are the independent claims.

By the foregoing, claims 27 and 43 are amended; new independent claim 52 is presented. No new matter has been added. The rejections are respectfully traversed.

Rejection under 35 U.S.C. §103(a)

Claims 27-37 and 41-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,125,478 to Alaloof in view of U.S. Patent No. 6,966,070 to Gillen.

Alaloof is cited for teaching all limitation except (a) the offset front opening and (b) the curved line toward the sleeve. Gillen is cited to fill the gap with respect to the offset front opening. The rejection avers that in view of the ease of putting on the jacket and to protect the chest area, the curved line would be obvious. The rejections are respectfully traversed.

1. The cited combination of Alaloof and Gillen does not teach, disclose, or suggest the presently claimed front opening. The presently claimed invention includes

a front opening for access into and out of the garment by the one of athletes and motorcyclists, the front opening being offset from a centerline, the front opening comprising a curved line through a length of the jacket starting at a hemline and ending at a collar and being offset towards a sleeve.

The combination of Alaloof and Gillen (emphasis Gillen) teaches pertinent to the presently claimed invention the embodiments of Figs. 1 and 2. In Fig. 1, a one-piece garment 10 includes

an anterior portion 22 having an offset opening 30 that is disposed under an overlap 32. A zipper is provided closer to the center than the offset opening 30 to connect the overlap and a medial portion. In Fig. 2, a one-piece garment 11 includes a zipper that joins anterior portion 22 and lateral portion 26. The zipper terminates in the armpit area.

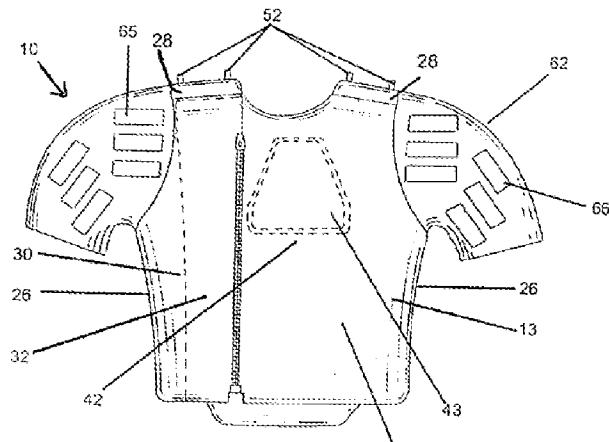


Fig. 1

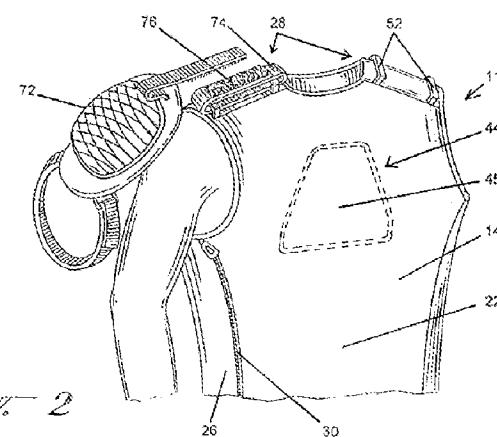


Fig. 2

Thus, the combination of Alaloof and Gillen fails to teach, disclose, or suggest the presently claimed invention for two reasons.

First, the combination of Alaloof and Gillen (emphasis Gillen) fails to teach a front opening comprising a curved line through a length of the jacket starting at a hemline and ending at a collar for ease of access. Rather, the cited art teaches one-piece garments where a zipper stops short of permitting access into and out of the garment through the front opening.

In the presently claimed invention, the advantageous front opening comprising a curved line through a length of the jacket starting at a hemline and ending at a collar for ease of access. The garment of the present invention, which is generally intended for motorcyclists and athletes, provides a measure of safety over the cited art. Therein, after an accident that may have deployed the airbags, rescue personnel can easily remove the garment from the wearer.

In contrast, the combination of Alaloof and Gillen teaches because of its one-piece construction a collar that is not adjustable. Thus, a wearer, or others attending to the wearer, cannot easily remove the garment and may be seriously disadvantaged.

Second, the combination of Alaloof and Gillen (emphasis Gillen) fails to teach a front opening comprising a curved line. Rather, as is evident from Fig. 1, the zipper is straight, and as is evident from Fig. 2, the zipper is also straight since it is drawn to accentuate the torso in the isometric view skewing the perspective.

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

2. The cited combination of Alaloof and Gillen does not teach, disclose, or suggest an electronic means associated with the inflating device. The presently claimed invention recites “*an inflating device activated by electronic means*” (claim 1) or “[*an*] inflating device activated by electronic means” (claim 43).

The combination of Alaloof and Gillen (emphasis Alaloof) teaches “[*an*] electromechanical operating means 530...serves to generate a command for the system activation in response to a signal from the mechanical device 519.” 10:32-34. Therein, a triggering device 532 is provided in electromechanical operating means 530 and is activated when a force applied to a cord 520 reaches a predetermined level of intensity. Specifically, when rider is forced a certain distance from the seat, the cord is pulled. 10:50-58.

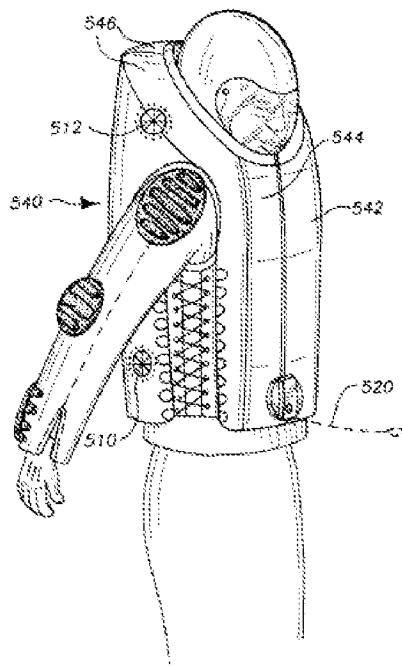
In contrast, the presently claimed invention relies on an electronic means, such as an electronic module 63 that activates one or more pyrotechnic devices 27 to inflate the one or more airbags. Advantageously, the presently claimed invention provides a more reliable and user adjustable protection.

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

3. With respect to newly presented independent claim 52, the cited combination of Alaloof and Gillen does not teach, disclose, or suggest airbags being covered by flaps, the flaps being releasably joined to a remaining portion of the garment.

The combination of Alaloof and Gillen (emphasis Alaloof) is alleged to teach flaps 542, 544 of Fig. 1, reproduced below. Applicant respectfully disagrees.

FIG. 11



The specification of Alaloof teaches that “*Fig. 11 is a schematic illustration of the protective system ... in the fully inflated orientation.*” Emphasis added. 4:09-10. Therein, the alleged flaps continue to joined to the remaining garment and are not released therefrom. Rather, portions 542 and 544 are designed to cooperate with an upper portion 546 to immobilize the upper spine, i.e., neck, of the user. 11:45 et al. To immobilize this part of the rider’s anatomy, portions 542, 544 must be rigidly attached with respect to the remainder of the garment and contain the inflated airbags in order to equalize the pressure to effect the immobilization.

In the presently claimed invention, detachable flaps 70 are provided with a predefined breakage strength. This permits the air bags to expand instantly toward the outside of the garment and in a short time reach their maximum volume. Indeed, detachable flaps 70 prevent air bags 20, 30 from expanding inwards, i.e., toward the body of the user, and the associated damage that may result from sudden expansion of the airbags.

The disadvantages of the system of Alaloof are well known and discussed in the present invention's specification at ¶0027. Unlike, the combination of Alaloof and Gillen (emphasis Alaloof) where portions 542, 544 are integral garment portions, the flaps of the present invention are additional features since the flaps define specific zones of the garment able to yield to the thrust of the expanding airbags. Rather, the flaps are breakage structures that are suitable to be manipulated by using stitching or hook and loop fasteners that have a predetermined breaking strength in order to accommodate the inflation of airbags suitable for selected purposes.

Applicant respectfully submits that one skilled in the art would not use the combination of Alaloof and Gillen to arrive at the invention of newly presented claim 52.

All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

In view of the remarks set forth above, this application is in condition for examination and ready passage to allowance, which is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for examination or allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, including any necessary extension fees, may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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